



DIE VERANDERING IN ONDERWYS  
THE CHANGE IN EDUCATION

REGSDIENSTE | LEGAL SERVICES



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## Legal Services Newsletter | Regsdienste Nuusbrief

### Insight 17 of 2020 | Insig 17 van 2020

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#### THE GRADUAL RETURN TO THE WORKPLACE FOR WORKERS DURING LEVEL 4 LOCK DOWN

This is creating uncertainty amongst employers and employees alike. In the document titled "Risk Adjusted Strategy" emanating from the Presidency, in the week of 20 April 2020, a huge amount of economic detail was supplied.

The document cross references relative risk and type of economic activity and for the first time moots the 5 levels of risk and the phased approach to return to the workplace. It contained the first mention of the return of only a percentage at a time of the workforce, considering the risk of mass travel and the separate consideration of persons above a certain age with so called comorbidities or medical risk factors.

In his speech thereafter the President mentioned the 30 % "rate of return" as a median or starting point.

The detail Gazettes were published thereafter – issued by COGTA and Department of Labour.

#### DIE GELEIDELEKE TERUGKEER NA DIE WERKPLEK TYDENS VLAK 4 INPERKING

Die aspek veroorsaak steeds onuidelikheid. In die dokument genaamd "Risk Adjusted Strategy", vanuit die Presidensie in die week van 20 April 2020, word daar gedetailleerde ekonomiese data verskaf.

Dit deel ook die eerste keer met 5 risikovlakke en die idee van 'n gefasbeerde terugkeer in die ekonomie en kruisverwys relatiewe risiko met die tipe ekonomiese aktiwiteit. Dit bevat die eerste aanduiding van persentasies "terugkeer" tesame met die risiko van massa reis en die aparte hantering van persone bo 'n sekere ouderdom en met sogenaamde komorbiditeite of mediese risikofaktore.

In sy toespraak daarna verwys die President na die 30 % mediaan vir gefasbeerde terugkeer as beginpunt.

Die detail Gazettes volg daarna – uitgereik deur COGTA en die Departement van Arbeid.

[https://www.gov.za/sites/default/files/gcis\\_document/202004/43258rg11098gon480.pdf](https://www.gov.za/sites/default/files/gcis_document/202004/43258rg11098gon480.pdf)

Both Gazettes declare that working from home remains the ideal situation. They allow a phased return to the workplace according to a plan that the employer has to create after proper consideration of the risk factors ([Annexure "E" COGTA](#))

That may have the effect that not all SGB educators return to the school at the same time.

In the list of “opened up” industries (COGTA Gazette p 24 and further), there are percentages set for the manufacturing industry starting at 25 %, moving upwards that serves as an indication.

These percentages are not applicable across all sectors!

It is very important that SGB's understand that they are responsible for compliance with these regulations viz their SGB appointees, of whom they are the employer. They have to comply with the regulations – excluding whatever the State or Department of Education decides for educators in public service.

[https://www.gov.za/sites/default/files/gcis\\_document/202004/43258rg11098gon480.pdf](https://www.gov.za/sites/default/files/gcis_document/202004/43258rg11098gon480.pdf)

Beide Gazettes voorsien dat tuiswerk steeds die ideaal is maar dat werkers in fases kan terugkom as die werkplek “gereed” is en werkend met ’n plan wat die werkewer daarstel na behoorlike oorweging van risikofaktore ([Aanhangsel "E" COGTA](#)).

Dit mag tot gevolg hê dat nie alle BL opvoeders op dieselfde tyd na die skool terugkeer nie.

In die lys van “oopgestelde” besighede (p 24 en verder van die COGTA Gazette) is daar vir die vervaardigingsektor persentasies gestel wat vanaf 25 % opwaarts beweeg en wat as aanduiding dien.

Hierdie persentasies is nie van toepassing op alle sektore nie!

Dit is belangrik dat die beheerliggaam begryp dat vir hierdie deel van die regulasies hul die werkewer van die beheerliggaam aanstellings is – en dat hul aan hierdie regulasies moet voldoen – uitgesluit wat die Staat of Departement van Onderwys besluit vir die opvoeders wat in hul diens is.

#WantOnsGeeOm

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